IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

MONDAY, THE 4TH DECEMBER 2006 / 13TH AGRAHAYANA 1928

WP(C).No. 32048 of 2006(M)

PETITIONER:

SAJEER A.P., AGED 27,
S/O.ABOOBACKER, RESIDING AT "AREEPARAMBIL HOUSE",
PURATHUR, TIRUR TALUK, MALAPPURAM DISTRICT.

BY ADV. SRI.THIYYANNOOR RAMAKRISHNAN
SRI.ARUN KUMAR.P

RESPONDENTS:

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1. DISTRICT COLLECTOR,
MALAPPURAM DISTRICT.

2. SUB INSPECTOR OF POLICE,
KALPAKANCHERI POLICE STATION,
MALAPPURAM DISTRICT.

3. TAHSILDAR,
TIRUR TALUK,
MALAPPURAM DISTRICT.

4. REVENUE DIVISIONAL OFFICER,
TIRUR TALUK,
MALAPPURAM DISTRICT.

5. FINANCE OFFICER,
MALAPPURAM DISTRICT.

6. DISTRICT INFORMATION OFFICER,
MALAPPURAM DISTRICT,
(RESPONDENTS 1 TO 6 RESPRESENTED BY THE GOVERNMENT
PLAEDER, HIGH COURT OF KERALA, ERNAKULAM).

BY G.P. SRI.I.V.PROMOD

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 04/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR, J.

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W.P.(C) No.32048 of 2006

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Dated this the 4th day of December, 2006.

JUDGMENT

Even though counsel submitted that the transport of seized sand was covered by pass, it is clear from the mahazar that the pass was issued for transport of sand at 8.40 a.m., while the truck near the kadavu was seized at 12 p.m. There is nothing to establish that the vehicle was out of order at the time of seizure of the vehicle. In the circumstances, Ext.P5 has to be only upheld. However, going by the penalty sustained by this court in cases involving mini trucks, Ext.P5 is modified by reducing the penalty to rupees fifteen thousand. The W.P. is allowed to the above extent. The vehicle will be released on payment of Rs.15,000/- and after endorsing in the RC book that the vehicle was subject to penalty of Rs.15,000/- so that for repeated offence more serious action is taken.

C.N.RAMACHANDRAN NAIR
Judge

pms